



December 3, 2021

VIA ECF

Honorable Matthew W. Brann
U.S. District Court for the Middle District of Pennsylvania
240 West Third Street
Williamsport, PA 17701

Re: Kendall, et al. v. EQT AMD LLC, et al. - No. 21-CV-1491

Dear Chief Judge Brann:

I write to request a telephone conference in the above-referenced matter. By way of background, Plaintiffs commenced this federal action on August 30, 2021. Our clients, the EQT Defendants, have filed a Motion to Dismiss (ECF 19) which will be ripe when we file our reply brief on Monday, December 6, 2021.

With the Motion to Dismiss pending, indeed before it was even ripe, Plaintiffs filed a Motion for Partial Summary Judgment (ECF 32) and supporting brief (ECF 34) on November 23, 2021. The current deadline to respond to the Motion for Partial Summary Judgment is fast approaching, *i.e.*, December 14, 2021.

Given the fact that the Court has not yet had a Rule 16 conference, I respectfully request a telephone conference to address this unique procedural posture, and to discuss the sequencing of the pending motions, including whether the pending Motion for Partial Summary Judgment is procedurally premature, out of sync with this Court's standard practice and whether it needs to be responded to at this time.

Respectfully,



Daniel T. Brier

DTB:cak

cc: Daniel T. Donovan, Esquire (via ECF)
Laura A. Lange, Esquire (via ECF)
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